

## REMARKS/ARGUMENTS

### Summary of Office Action

Claims 1-20 are pending in the application.

Claims 11 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

Claims 1, 8, and 9 were rejected under 35 U.S.C. § 102(a) as being anticipated by Kushner U.S. Patent No. 3,339,104 (hereinafter "Kushner").

Claims 2, 3, 5, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Radice U.S. Patent No. 4,633,123 (hereinafter "Radice").

Claims 4 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Radice in view of McKnight U.S. Patent No. 6,433,465 (hereinafter "McKnight").

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kushner.

Claims 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over over Kushner in view of McKnight.

### Summary of Applicant's Amendments

Applicant notes, with great appreciation, the Examiner's indication of allowable subject matter included in claims 12-15.

Applicant has cancelled claims 8, 17, and 20 in order to expedite prosecution.

Applicant has amended claims 1-4, 6, 9-11, 15, 16, 18, and 19 in order to expedite prosecution.

Applicant has added new claims 21-24 in order to more particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicant traverses the Examiner's rejections and reserves the right to claim any subject matter lost by the above amendments or cancellations in one or more continuation or divisional applications.

Applicant's Response to the  
Rejections Under 35 U.S.C. 112

Claims 11 and 19 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements.

More particularly, the Examiner stated:

"Claims 11 and 19 were rejected ... for omitting essential structural cooperative relationships of elements ... [such as] the full cooperative relationship of the spring element with both the piezoelectric element and the frame element is not provided. That is, according to the original disclosure device is secure to two of these elements and located between them. These essential relationships are not stated in the claims."

(Office Action, page 4)

Applicant's discusses numerous spring configurations, not all of which have to be coupled to both the guide-frame and the piezoelectric layer. As per just one example:

"spring 599 may be included inside of a piezo tube ... such that after a force is removed from a guide-tooth inserted into the piezo tube, the spring forces the guide-tooth out of the piezo tube."

(applicant's spec., paragraph 79).

Accordingly, applicant respectfully submits that the Examiner's aforementioned essential relationship of the spring element to both the piezoelectric element and the frame element is not an essential relationship as, for example, functional configurations are provided by applicant's specification that do not include the Examiner's alleged essential relationship.

It should be noted, however, that claims 11 and 19 have been amended in order to expedite prosecution. In light of the foregoing, applicant respectfully requests that the Examiner's rejection of claims 11 and 19 under 35 U.S.C. § 112 be withdrawn.

Applicant's Response to the  
Rejections Under 35 U.S.C. § 102(b)

Claims 1, 8, and 9 were rejected under 35 U.S.C. § 102(a) as being anticipated by Kushner.

Kushner discusses a sensor that controls when a power source is ON or OFF. Kushner's sensor includes a piezoelectric element.

Applicant's invention of amended claims 1 and 2 includes two piezoelectric layers that do not vertically overlap with respect to a guide-tooth and a guide frame.

Kushner does not show or suggest applicant's invention of amended claims 1 and 2 that include two piezoelectric layers that do not vertically overlap with respect to a guide-tooth and a guide-frame.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 1, and any claims dependent therefrom, be withdrawn.

Applicant's Response to the  
Rejections Under 35 U.S.C. 103(a)

Claims 2, 3, 5 and 7

Claims 2, 3, 5, and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Radice.

Claims 2 and 3 have been amended to include two layers of piezoelectric generators such that one piezoelectric generator of one layer is aligned with an isolation layer separating two piezoelectric generators of another layer.

Radice does not show or suggest applicant's piezoelectric generator configuration as defined by amended claims 2 and 3.

Accordingly, applicant respectfully submits that the Examiner's rejection of claims 2 and 3, and any claims dependent therefrom, be withdrawn.

Claims 4 and 6

Claims 4 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Radice in view of McKnight. As shown above, claims 2 and 3 are patentable. Claims 4 and 6 depend from patentable claim 2 or 3. Accordingly, applicant respectfully submits that claims 4 and 6 are patentable because claims 4 and 6 depend from patentable claim 2 or 3.

Claims 16 and 17

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kushner.

The Examiner stated that "it has long been held that the mere duplication of parts is considered to be

within the skill expected of a routineer [sic]." (Office Action, page 3).

Applicant's invention of amended claim 16, however, provides a layer having guide-teeth and a layer having guide-frames. The layer having guide-teeth is provided such that "a force applied to one of said guide-teeth is distributed amongst other portions of said first layer having other guide-teeth." As such, applicant's amended claim 16 is operable to take a single force and distribute that force among multiple guide teeth. The mere duplication of Kushner's sensor does not show or suggest such a layer having multiple guide-teeth, a layer having multiple guide-frames, or such a force distribution feature.

Accordingly, applicant respectfully requests that the Examiner's rejection of claim 16, and any claims dependent therefrom, be withdrawn.

#### Claims 18 and 20

Claims 18 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kushner in view of McKnight. Applicant has cancelled claim 20 in order to expedite prosecution.

As shown above, claim 16 is allowable. Claim 18 depends from claim 16. Accordingly, applicant respectfully submits that claim 18 is allowable because claim 18 depends from allowable claim 16.

#### New Claims 21-24


As shown above claims 12 and 16 are patentable. Each of new claims 21-24 depends from either claim 12 or 16. Accordingly, applicant respectfully submits that new

claims 21-24 are patentable because new claims 21-24 depend from a patentable independent claim.

Conclusion

Applicant respectfully submits that this application, including claims 1-24, is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Mullen', is written over a horizontal line.

Jeffrey D. Mullen  
Applicant (Reg No. 52,056)  
Customer No. 32733  
350 West 43<sup>rd</sup> Street, Apt. 5H  
New York, NY 10583  
Mobile: (914) 837-7741